



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,382	04/06/2005	Declan Patrick Kelly	NL 021037	4934

24737 7590 07/24/2008
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

MCLEOD, MARSHALL M

ART UNIT	PAPER NUMBER
----------	--------------

2157

MAIL DATE	DELIVERY MODE
-----------	---------------

07/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. This Office action has been issued in response to amendment filed 18 April 2008. Claims 1 and 3-5 are pending and claim 2 has been cancelled. Applicants' arguments have been carefully and respectfully considered in light of the instant amendment and are persuasive, as they relate to the claim rejection under 35 U.S.C. 101. As such the examiner withdraws the 35 U.S.C. 101 claim rejection.

Priority

2. Examiner acknowledges applicant's international priority based on the international filing date of 18 September 2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamkin et al. (Pub. No US 2002/0078144 A1), hereinafter Lamkin.**

Art Unit: 2157

4. With respect to claim 1, Lamkin discloses a method of enhancing multimedia data contained on an information carrier (Page 5, [0103], lines 1-3), said information carrier also containing additional carrier data (Page 5, [0099], lines 1-4), said method comprising the following acts: reading a user file containing user data defining previous actions of a user (Page 11, [0206], lines 1-6), in a storage unit of a recording and/or reproducing device (Page 12, [0207], lines 1-10; i.e. Storage unit = player hardware), Providing, in an off-line session, the additional data as a function of the user data (Page 5, [0095], lines 5-15; i.e. ...a new text display giving information), updating the user data to reflect a latest off-line action of the user (Page 5, [0095], lines 5-15; i.e. when the user interacts with the content...effects will be reflected in the media sub window); providing, in an on-line session, additional remote data from a remote unit as a function of the user data, the remote unit being connected to the recording and/or reproducing device via a network Page 5, [0095], lines 1-15), and updating the user data to reflect a latest on-line action of the user so that a viewing experience of the user is consistent during both the off-line session and the on-line session and same customization features are provided when the additional carrier data are coming from the information carrier or when the additional remote data are coming from the remote unit (Page 5, [0103], lines 1-9 and continued through to [0140], lines 1-6).

5. With respect to claim 3, Lamkin discloses an information carrier comprising multimedia data and additional carrier data for enhancing the multimedia data, said information carrier (Page 5, [0103], lines 1-3) further comprising: means for reading a user file containing user data defining previous actions of a user (Page 11, [0206], lines 1-6), in a storage unit of a recording

Art Unit: 2157

and/or reproducing device (20) (Page 12, [0207], lines 1-10; i.e. Storage unit = player hardware), means for providing, in an off-line session, the carrier additional data as a function of the previous actions of the user (Page 5, [0095], lines 5-15; i.e. ...a new text display giving information), means for providing, in an on-line session, additional remote data from a remote unit as a function of the previous actions of latest actions the user (Page 5, [0099], lines 1-19), and means for updating the user data in the user file as a function of latest actions the user so that a viewing experience of the user is consistent during both the off-line session and the on-line session and same customization features are provided when the additional carrier data are coming from the information carrier or when the additional remote data are coming from the remote unit (Page 9, [0166], lines 1-9).

6. With respect to claim 4, Lamkin discloses a recording and/or reproducing device (Abstract) adapted to read an information carrier containing multimedia data and additional carrier data for enhancing the multimedia data (Page 5, [0103], lines 1-3), said device comprising: means for reading a user file containing user data defining previous actions of a user (Page 11, [0206], lines 1-6), in a storage unit of the recording and/or reproducing device (Page 12, [0207], lines 1-10; i.e. Storage unit = player hardware), means for providing, in an off-line session, the additional carrier data as a function of the previous actions of the user (Page 5, [0095], lines 5-15; i.e. additional data = ...a new text display giving information), means for providing, in an on-line session, additional remote data from a remote unit as a function of the previous actions of latest actions the user (Page 5, [0099], lines 1-19), and means for updating the user data in the user file as a function of latest actions the user so that a viewing experience

Art Unit: 2157

of the user is consistent during both the off-line session and the on-line session and same customization features are provided when the additional carrier data are coming from the information carrier or when the additional remote data are coming from the remote unit (Page 9, [0166], lines 1-9).

7. With respect to claim 5, Lamkin discloses a computer program stored on a computer readable medium, the computer program comprising program instructions for implementing the method of enhancing multimedia data as claimed in claim 1, when said program is executed by a processor (Page 79, Claim 2, lines 1-18).

Response to Arguments

8. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2157

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Thursday 6:30 a.m-4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marshall McLeod

Application/Control Number: 10/530,382
Art Unit: 2157

Page 7

./Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157